

ORDINANCE NO. 3162

AN ORDINANCE AMENDING TITLE 22 OF THE SAN LUIS OBISPO COUNTY CODE,
THE LAND USE ORDINANCE, BY AMENDING SECTION 22.106.070C
RELATING TO DEVELOPMENT LIMITATIONS FOR USES WITHIN THE
COMMERCIAL RETAIL CATEGORY IN BLOCK 45 OF TOWN OF OCEANO #2

The Board of Supervisors of the County of San Luis Obispo ordains as follows:

SECTION 1: Section 22.106.070C of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended by adding new subsection C.2. and Figure 106-9 as follows, and renumbering all following figures as necessary:

2. **Block 45 of Town of Oceano #2.** The following standards apply only to the Commercial Retail designated land in Block 45 of Town of Oceano #2, as shown on Figure 106-9.

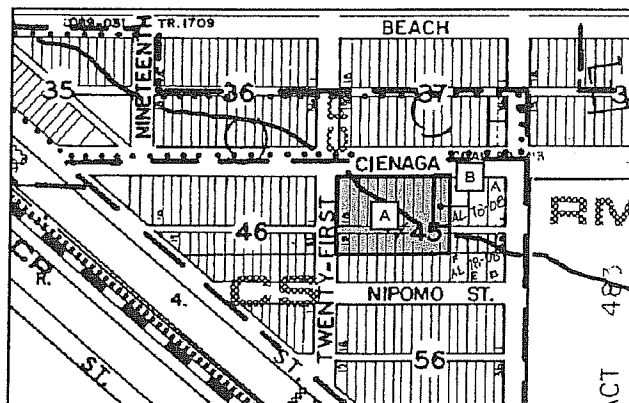


Figure 106-9: Block 45 of Town of Oceano #2

- a. **Mixed Use.** Proposed residential uses shall be limited to upper floors or behind buildings fronting Cienaga Street.
- b. **Blank Walls.** Any project proposing development within 5 feet of side property line, excluding street side property lines, where California Building Code standards would require a firewall with no (or minimized) window openings and where the wall would be open to public view, the applicant shall develop an architectural relief plan for the side wall. The architectural relief plan shall include one or both of the following:
 - (1) Architectural features used on the northerly (Cienaga Street frontage) of

the building shall be continued onto the easterly wall. "False" windows shall be used along the wall replicating the same window rhythm as that used on the northerly wall of the building.

- (2) Artistic pieces shall be affixed to the wall. This may include sculptures and/or murals in compliance with Subsection 22.20.040.B.23. Artistic pieces shall be sufficient to minimize large blank portions of the wall.

- c. **Limitation on Use.** Land uses identified by Section 22.06.030 as allowable, permitted, or conditional within the Commercial Retail land use category may be authorized in compliance with the land use permit requirements of that section except the following uses: horse ranches and other equestrian facilities, kennels, zoos, recycling collection stations, mobile home and vehicle dealers, vehicle storage, dry cleaners, industrial launderers, beauty shops with manicure and/or pedicure services, funeral parlors, automobile service stations / gas stations, and printing and publishing.
- d. **Fast Food Restaurant Use.** No more than 15 percent of the floor area of the commercial use on a site shall be designated for fast food restaurant use.
- e. **Drainage.** At the time of application for a land use permit and/or building permit, the applicant shall submit a drainage plan in compliance with the requirements of Chapter 22.52 of the Land Use Ordinance. In no circumstance shall drainage shall be directed towards Highway 1.
- f. **Southeast Corner of 21st and Cienaga Streets.** The following requirements apply only to the to Site "A" as shown in Figure 106-9.
 - (1) **Design.** Future development on this site shall be mixed-use and incorporate the following:
 - (a) Residential density shall be greater than or equal to 10 units per acre.
 - (b) At least 15 percent of residential units shall be no larger than 900 square feet.
 - (c) Parking shall be placed behind the structures fronting Cienaga Street.
 - (d) All buildings with street frontage shall face the street with visible entrances.
 - (e) Site design shall maximize solar access for residential units. At least 80 percent of residential units shall have south-facing windows.
 - (f) Landscaping shall be irrigated through drip irrigation.

- (g) Pedestrian walkways shall be landscaped and illuminated with pedestrian-scaled elements.
 - (h) All residential units shall be provided with pedestrian access to the exterior sidewalks via pedestrian route where automobile access has minimum impact on the pedestrian experience (i.e. not a driveway).
- (2) **Parking.** Applicants proposing non-residential uses that do not qualify with a "general retail" parking calculation according to Chapter 22.18, shall prepare a parking plan. The plan will need to address the following, at a minimum:
- (a) A list shall be provided of all existing uses in the commercial buildings, including applicable details needed to determine parking calculations (i.e. square footage, percentage used for storage, number of barber chairs, etc.).
 - (b) An estimate shall be provided showing the number of parking spaces required for all existing uses based on the calculations in Chapter 22.18 of the Land Use Ordinance.
 - (c) For the purposes of the parking plan, vacant commercial space shall be assumed to be "general retail" with 90 percent of floor space for sales and 10 percent of floor space for storage.
 - (d) If parking calculations exceed the number of parking spaces provided for the commercial component under the Minor Use Permit or Conditional Use Permit for the mixed use development, a new Minor Use Permit (requiring special findings pursuant to Section 22.18.020H) for parking adjustment may be necessary to establish the use.
- (3) **Access.** Open area for a potential future easement shall be reserved on Site "A" in Figure 106-9 to ultimately facilitate rear access to Site "B" in Figure 106-9 from Twenty-First Street. Plans submitted for land use permits, subdivisions, and building permits, shall clearly delineate the possible future alignment of this access.

SECTION 2. That the Board of Supervisors has considered the initial study prepared and conducted with respect to the matter described above. The Board of Supervisors has, as a result of its consideration, and the evidence presented at the hearings on said matter, determined that the proposed negative declaration as heretofore prepared and filed as a result of the said initial study, is appropriate, and has been prepared and is hereby approved in accordance with the California Environmental Quality Act and the County's regulations implementing said Act. The Board of Supervisors, in adopting this ordinance, has taken into account and reviewed and considered the information contained in the negative declaration approved for this project and all comments that were received during the public hearing process. On the basis of the Initial Study and any comments received, there is no substantial

evidence that the adoption of this ordinance will have a significant effect on the environment.

SECTION 3. If any section, subsection, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of the remaining portion of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

SECTION 4: This ordinance shall take effect and be in full force on and after 30 days from the date of its passage hereof. Before the expiration of 15 days after the adoption of this ordinance, it shall be published once in a newspaper of general circulation published in the County of San Luis Obispo, State of California, together with the names of the members of the Board of Supervisors voting for and against the ordinance.

INTRODUCED at a regular meeting of the Board of Supervisors held on the 28th day of October, 2008, and PASSED AND ADOPTED by the Board of Supervisors of the County of San Luis Obispo, State of California, on the 28th day of October, 2008, by the following roll call vote, to wit:

AYES: Supervisors K. H. 'Katcho' Achadjian, Jerry Lenthall, Harry L. Ovitt,

NOES: None Bruce S. Gibson, Chairperson James R. Patterson

ABSENT: None

ABSTAINING: None

JAMES R. PATTERSON

Chairman of the Board of Supervisors,
County of San Luis Obispo,
State of California

ATTEST:

JULIE L. RODEWALD

County Clerk and Ex-Officio Clerk
of the Board of Supervisors
County of San Luis Obispo, State of California

[SEAL] By: DIANE A. GRATON
Deputy Clerk

ORDINANCE CODE PROVISIONS APPROVED
AS TO FORM AND CODIFICATION:

WARREN R. JENSEN

County Counsel

By: _____

Deputy County Counsel

Dated: _____

10.15.08